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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,774	01/18/2006	Remy Bruno	0512-1288	9225
466 7590 11/05/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			EXAMINER LAO, LUN S	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 11/05/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/542,774

Applicant(s)

BRUNO ET AL.

Examiner

LUN-SEE LAO

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This action is response to the amendment filed on 08-05-2009. Claims 1-22 have been amended and claims 23-28 have been added. Claims 1-28 are pending.

Drawings

2. The drawings were received on 08-05-2009. These drawings are acceptable.

Claim Objections

3. Claim 25 is objected to because of the following informalities: claim 25 recited " The device according to claim 1" on line 1, which appears to ---The ~~device~~ method according to claim 1----. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. Claim 23 recited " the spatial characteristics of the reproduction unit are determined without using the multi-channel audio signal" .

Applicant point out the supporting in the specification at paragraph [1116], [0161] and [0162] (see the remarks page 21 1st paragraph).

The examiner reads it carefully and can not find any support for "the spatial characteristics of the reproduction unit are determined without using the multi-channel audio signal" in the specification and nothing is about the spatial characteristics of the reproduction unit are determined without using the multi-channel audio signal.

1. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 24 recited "the spatial adaptation matrix is determined without using the multi- channel audio signal" .

Applicant point out the supporting in the specification at paragraph [1116], [0161] and [0162] (see the remarks page 21 1st paragraph).

The examiner reads it carefully and can not find any support for "the spatial adaptation matrix is determined without using the multi- channel audio signal" in the specification and nothing is about the spatial adaptation matrix is determined without using the multi- channel audio signal.

Consider claims 26 and 27, they are essentially similar to claims 23 and 24 and are rejected for the reason stated above apropos to claims 23 and 24.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US PAT. 6,154,549) in view of Ise (JP 11-168792).

Consider claim 1 Arnold teaches a method for controlling an acoustic field reproduction unit comprising a plurality of reproduction comprising:

determining via a computer parameters describing the reproduction direction of each channel of a multi-channel audio signal (see fig.1),

determining via a computer at least spatial characteristics of the reproduction unit, the spatial characteristics comprising at least the direction of each reproduction element in the three spatial dimensions relative to the given point (see figs 1-6 and see col. 9 line 30-col. 10 line 67), wherein the determined directions of the reproduction elements are different from the reproduction directions of the multi-channel audio signal, determining via a computer a spatial adaptation using the determined directions of the reproduction elements and the parameters describing the reproduction directions (see figs 1-6 and col.11 line1-col. 12 line 36), Arnold does not explicitly teach a spatial adaptation matrix using the determined directions of the reproduction elements and the

parameters describing the reproduction directions, wherein the spatial adaptation matrix is determined such that controlling the reproduction elements with the controlling signals reproduces, in a region comprising the given point, the acoustic field that would have been obtained by controlling, with the multi-channel audio signal, ideal reproduction elements which would exactly comply with the reproduction directions of the multi-channel audio signal.

However, Ise teaches a spatial adaptation matrix using the determined directions of the reproduction elements and the parameters describing the reproduction directions(see fig.5), wherein the spatial adaptation matrix is determined such that controlling the reproduction elements with the controlling signals reproduces, in a region comprising the given point, the acoustic field that would have been obtained by controlling, with the multi-channel audio signal, ideal reproduction elements which would exactly comply with the reproduction directions of the multi-channel audio signal(see figs 2, 3 and see detailed description page 4 [0016]- page 5, [0025]).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ise into Arnold to provide more efficiency to control reproduction sound field by using a matrix determined directions.

Consider claims 2-4, Arnold as modified by Ise teaches determining at least spatial characteristics of the reproduction unit (see fig.1) comprises an acquisition sub-step enabling all or some of the characteristics of the reproduction unit to be determined(see abstract); and characterized in that the step for determining at least spatial characteristics of the reproduction unit (see fig.1) comprises a calibration step enabling

all or some of the characteristics of the reproduction unit (see fig.1) to be provided (see figs 1-6 and see col. 9 line 30-col. 10 line 67); and the calibration sub-step (30) comprises, in the case of at least one of the reproduction elements (16) :

a sub-step for transmitting a specific signal (122) to the at least one element (16) of the reproduction unit (see fig.1); a sub-step for acquiring the sound wave emitted in response by the at least one element (16); a sub-step (131) for converting the acquired signals into a finite number of coefficients representative of the emitted sound wave; and a sub-step (32) for determining spatial and/or sound parameters of the element (3n) on the basis of the coefficients representative of the emitted sound wave(16) (see figs 1-6 and see col. 11 line 1-col. 12 line 36).

Consider claims 5-7, Arnold as modified by Ise teaches method where in the calibration sub-step also comprises a sub-step for determining the position in at least one of the three spatial dimensions of the at least one element of the reproduction unit (see fig. 1 and see col. 9 line 30-col. 10 line 67); and characterized in that the calibration step comprises a sub-step for determining the frequency response of the at least one element of the reproduction unit(see fig. 1 and see col. 9 line 30-col. 10 line 67); and to characterized in that step for determining adaptation filters(see fig 5(102,122)) comprises: a sub-step for determining a decoding matrix representative of filters permitting compensation for the changes in reproduction caused by the spatial characteristics of the reproduction unit (104); a sub-step for determining an ideal multi-channel radiation matrix representative of the predetermined general directions associated with each data signal of the plurality of input signals (U(n)); and a sub-step

for determining a matrix representative of the adaptation filters using the decoding matrix and the multi-channel radiation matrix (In Ise, see detailed description page 5,[0019]- page 6, [0033]).

Consider claims 8-10, Arnold as modified by Ise teaches method wherein step for determining adaptation filters(see fig.5 (102,122)) comprises a plurality of calculation sub-steps (110) permitting the provision of a limit order of the spatial precision of the adaptation filters, a matrix corresponding to a spatial window representative of the distribution in space of the desired precision during the reconstruction of the sound field, and a matrix representative of the radiation of the reproduction unit (104), the sub-step for calculating the decoding matrix being carried out using the results of these calculation sub steps (In Ise, see detailed description page 8,[0042]- page 10, [0068]); and characterized in that the matrices for decoding , ideal multi-channel radiation and adaptation are independent of the frequency, step for determining at least one signal for controlling the elements of the reproduction unit(see fig.5 (104)) by applying the adaptation filters corresponding to simple linear combinations followed by a delay(In Ise, see detailed description page 11,[0070]- page 13, [0095]); and method wherein the step for determining characteristics of the reproduction unit (see fig.5 (104)) permits the determination of sound characteristics of the reproduction unit (104)) and in that the method comprises a step (60) for determining filters for compensating for these sound characteristics, the step for determining at least one control signal then comprising a sub-step for applying the sound compensation filters(In Ise, see detailed description page 12 [0089]- page 13, [0093]).

Consider claims 11-14, Arnold as modified by Ise teaches method wherein that the step for determining sound characteristics is suitable for providing parameters representative, in the case of at least one element, of its frequency response(see fig. 1 and see col. 9 line 30-col. 10 line 67); and method wherein that the step for determining at least one control signal comprises a sub-step for adjusting the gain and applying delays in order to align temporally the wavefront of the reproduction elements (see fig. 1 (16)) as a function of their distance from the given point(see figs. 1-6 and see col. 31 line 28- 67); and the computer program comprising program code instructions for performing the steps of the method according to claim 1 when the program is performed by a computer(see fig. 1 and see col. 9 line 30-col. 10 line 67); and the removable medium of the type comprising at least one processor and a non-volatile memory element, wherein the memory comprises a program comprising code instructions for performing the steps of the method according to claim 1, when the processor performs the program(see fig. 1 and see col. 9 line 30-col. 10 line 67).

Consider claim 15 Arnold teaches a device for controlling an acoustic field reproduction unit (see fig.1) comprising a plurality of reproduction elements(16) comprising – means(30) for determining parameters describing the reproduction direction of each channel of a multi-channel audio signal, - means (32) for determining at least spatial characteristics of the reproduction unit (see fig.1), the spatial characteristics comprising at least the direction of each reproduction element in the three spatial dimensions relative to the given, wherein the determined directions of the reproduction elements are different from the reproduction directions of the multi-channel

audio signal(see figs. 1-6 and see col. 9 line 30-col. 10 line 67), means (30) for determining spatial adaptation table using the determined directions of the reproduction elements and the parameters describing the reproduction(see figs. 1-6 and see col. 11 line 1-col. 12 line 36); Arnold does not explicitly teach means for determining spatial adaptation matrix using the determined directions of the reproduction elements and the parameters describing the reproduction, - means for determining a controlling signal for each reproduction element, by applying the adaptation matrix to the multi-channel audio signal, wherein the spatial adaptation matrix is determined such that controlling the reproduction elements with the controlling signals reproduces, in a region comprising the given point, the acoustic field that would have been obtained by controlling, with the multi-channel audio signal, ideal reproduction elements which would exactly comply with the reproduction directions of the multi-channel audio signal.

However, Ise teaches means(see fig.5 (120)) for determining spatial adaptation matrix using the determined directions of the reproduction elements and the parameters describing the reproduction(104), - means(122) for determining a controlling signal for each reproduction element, by applying the adaptation matrix to the multi-channel audio signal, wherein the spatial adaptation matrix is determined such that controlling the reproduction elements with the controlling signals reproduces, in a region comprising the given point(c) (see detailed description page 28,[0237]- page 29, [0245]), the acoustic field that would have been obtained by controlling, with the multi-channel audio signal, ideal reproduction elements which would exactly comply with the reproduction

directions of the multi-channel audio signal(see figs 2, 3 and see detailed description page 4 [0016]- page 5, [0025]).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ise into Arnold to provide more efficiency to control reproduction sound field by using a matrix determined directions.

Consider claims 16-18, Arnold as modified by Ise teaches a device wherein that the means(see fig.1) for determining the at least spatial characteristics of the reproduction unit (see fig. 1) comprise means (38) for the direct acquisition of the characteristics(see figs. 1-6 and see col. 9 line 30-col. 10 line 67); and a device wherein it is suitable for being associated with calibration means (see fig.5)) permitting the determination of the at least spatial characteristics of the reproduction unit (see fig. 1 and see col. 9 line 30-col. 10 line 67); and a device characterized in that the calibration means comprise means (see fig.5) for acquiring a sound wave which comprise four pressure sensors(106) arranged in accordance with a general tetrahedral shape(In Ise, see detailed description page 12 [0089]- page 13, [0093]).

Consider claims 19-22, 25 and 28 Arnold as modified by Ise teaches a device wherein the means(see fig.1) for determining characteristics are suitable for determining sound characteristics of at least one of the elements of the reproduction unit , the device comprising means(see fig.1) for determining sound compensation filters using the sound characteristics, and the means(30) for determining at least one control signal being suitable for the application of the sound compensation filters(see col. 3 line 5-67); and a device characterized wherein the means(see fig.1) for determining the sound

characteristics are suitable for determining the frequency response of the elements of the reproduction unit (see fig. 1 and see col. 9 line 30-col. 10 line 67); and an apparatus for processing audio and video data, comprising means (see fig. 1) for determining a plurality of sound data input signals (10) each associated with a predetermined general reproduction direction defined by a given point (c), characterized in that it also comprises a device for controlling the reproduction unit (see fig. 1 and see col. 9 line 30-col. 10 line 67); and an apparatus wherein the means (see fig. 1) for determining a plurality of input signals (10) are formed by a unit for reading and decoding digital audio and/or video discs (see figs. 1-6 and see col. 9 line 30-col. 10 line 67) and the device wherein, when being applied, the spatial adaptation matrix remains as it has been determined (In Ise, see detailed description page 12 [0089]- page 13, [0093]).

Consider claims 23 and 24, as based on 112 first paragraph problem state above, Arnold as modified by Ise teaches the spatial characteristics of the reproduction unit are determined without using the multi-channel audio signal (see fig. 1 and col. 11 line 1-67) and the spatial adaptation matrix is determined without using the multi-channel audio signal (In Ise, see detailed description page 8 [0043]- page 9, [0056]).

Consider claims 26 and 27, they are essentially similar to claims 23 and 24 and are rejected for the reason stated above *apropos* to claims 23 and 24.

Response to Arguments

8. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bauck (US PAT. 7,167,566) is cited to show other related method and device for controlling unit using a multi-channel signal.

11. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450
Facsimile responses should be faxed to:
(571) 273-8300
Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao, Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao, Lun-See
/LUN-SEE LAO/
Examiner, Art Unit 2614
Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501
Date 11-02-2009

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614